

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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### Action: An Ordinance Concerning the Definition of Motorized Transportation Device, Operating Bicycles and Skateboards on Sidewalks

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Meeting Date: July 28, 2014  
Department: Public Works  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 4  
Staff Contact: Lee Shoemaker  
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#### **ISSUE STATEMENT**

The City Council is scheduled to take action on two proposed code changes to existing Eugene skateboard and bicycle laws. Eugene law prohibits the use of motorized transportation devices on off-street paths, including electric assisted bicycles. The first proposal is to change the Eugene City Code to allow electric assisted bicycles to be ridden on Eugene off-street paths with the electric device engaged. Under Oregon law, electric assisted bicycles are considered bicycles and not motorized vehicles. Presently, there is a zone downtown where sidewalk skateboarding is not allowed and another zone where sidewalk bike riding is prohibited. The second proposed code change would modify the current downtown Eugene skateboard-bicycle no sidewalk riding zones into one combined area.

#### **BACKGROUND**

##### **Electric Assisted Bicycles**

On February 14, 2005, the City Council approved a resolution prohibiting the use of all motorized transportation devices on off-street paths, including electric assisted bicycles, when not being operated exclusively by human power. While there was discussion of exceptions for electric assisted bicycles, the council at that time chose to prohibit all forms of motorized devices with exceptions for City staff and people with disabilities.

State law considers an electric assisted bicycle a bicycle rather than a motor vehicle and restricts the power of the electric motor and speed in which they can be operated (see attached Eugene and state law information).

Since that time, there are more people using electric assisted bicycles for transportation and recreation. People who want to purchase electric bicycles or already have purchased them want to know if there are restrictions on their use. They are disappointed that they don't have full access to all of Eugene's bikeways.

Staff is bringing this proposal to the Eugene City Council for the following reasons: (1) Eugene's code is inconsistent with state law which considers an electric assisted bicycle to be a bicycle,

rather than a motor vehicle, for purposes of the Oregon Vehicle Code, (2) legalizing the use on paths may increase bicycling, and (3) public requests. Staff proposes to make an exception to allowing electric assisted bicycles use on paths with the electric assist engaged in East Alton Baker Park. That exception would prohibit electric assist with East Alton Baker Park Plan boundary. The exception could be revisited if that plan is updated.

City staff held several stakeholder meetings and a public meeting in November 2013 to solicit input on the use of electric assisted bicycles and the downtown skateboard-bike no sidewalk riding zone. Approximately 45 people attended the public meeting with 27 people supporting this proposal and 10 people opposed. The main reasons cited in support were: need an extra boost especially when carrying children or cargo; this would help older, less fit, or people with physical limitations; want an alternative to driving a car; and, want to be able to use entire bike network. Most of those opposed were concerned about the speed of an electric bicycle and two cited the East Alton Baker Park Plan which discourages the use of motorized vehicles. Some of the opposition may be based on confusion between an electric assisted bicycle and motorized scooters.

### **Downtown Skateboard-Bicycle No Sidewalk Riding Zone Modification**

City staff frequently hear complaints from the public about skateboard and bicycle sidewalk riding in downtown Eugene. Many of the complaints are from older residents who are concerned that they may be seriously injured if they are hit by a person riding on the sidewalk. There are two no sidewalk riding zones, one for people skateboarding and another for people biking (see attached map). Having two different zones is confusing to the public which may result in more violations.

Transportation planning staff also engaged the public and other City employees in a discussion of the downtown skateboard-bicycle no sidewalk riding zones. At the November 2013 public meeting, 21 people supported a modification with 16 opposed. Reasons for supporting the zone modification included: more people are walking downtown; bike riding and skateboarding on downtown sidewalks creates unsafe conditions for pedestrians, especially for seniors; and, there is a need to include the sidewalks around the 13<sup>th</sup> and Olive Apartments and the Eugene Hotel. Reasons for opposing the zone modification: it will limit students' ability to skate and bike; zone is already too restrictive and it will limit downtown through trips by skateboard; and, it's too dangerous to bike on downtown streets.

Through the community dialogue and discussions with Eugene police officers, a proposed new zone is recommended (see attached map) for council consideration. The factors used to determine the new zone were: pedestrian safety; public input; ease for the public to know boundaries of the zone; compact area for efficient enforcement; and, reduced costs for stencils or signs.

Staff is bringing this proposal to the council for the following reasons: (1) increase pedestrian safety; (2) simplify the zone for better public understanding, and, (3) enforcement.

Staff made a presentation on these two proposed changes at the Eugene City Council work session held on May 27, 2014. A public hearing was held by the Eugene City Council on July 21, 2014. Staff notified the public about these meetings through e-mails to the project interested parties list, on the project website, and by the transportation e-newsletter InMotion.

## **RELATED CITY POLICIES**

### **TransPlan (2002)**

#### **TSI Pedestrian Policy #1: Pedestrian**

Provide for a pedestrian environment that is well integrated with adjacent land uses and is designed to enhance the safety, comfort, and convenience of walking.

### **Eugene Pedestrian and Bicycle Master Plan (2012)**

**Policy 2.1:** Continually improve bicycling and walking comfort and safety through design, operations and maintenance including development of “low stress” bikeways to attract new cyclists

### **Eugene Pedestrian and Bicycle Strategic Plan**

3.1.5 Examine reasons for riding bikes on downtown sidewalks and work to ameliorate the problem through an education campaign and accompanying enforcement.

3.1.6 Re-examine the “no bikes on sidewalks” zone for possible expansion.

## **COUNCIL OPTIONS**

Option 1A - Approve ordinance that allows **electric assisted** to be operated on off-street paths with the electric motor engaged except within the East Alton Baker Park Plan boundary.

Option 1B - Support existing Eugene City Code.

Option 2A - Approve ordinance that modifies the current downtown Eugene skateboard-bicycle no sidewalk riding zone boundaries into one combined area.

Option 2B - Support for existing Eugene City Code.

## **CITY MANAGER’S RECOMMENDATION**

The City Manager recommends that the Eugene City Council approve an ordinance that amends the Eugene City Code to: (1) allow **electric assisted** to be operated on off-street paths with the electric motor engaged except within the East Alton Baker Park Plan boundary and, (2) modify the current downtown Eugene skateboard-bicycle no sidewalk riding zone boundaries into one combined area.

## **SUGGESTED MOTION**

Move to adopt Council Bill 5123, that allows **electric assisted** to be operated on off-street paths with the electric motor engaged except within the East Alton Baker Park Plan boundary and modifies the current downtown Eugene skateboard-bicycle no sidewalk riding zone boundaries into one combined area.

**ATTACHMENTS**

- A. Proposed Ordinance
- B. Related Eugene Code and State Laws Related to Proposed Changes
- C. Map of Existing and Proposed Skateboard-Bike No Sidewalk Riding Zones

**FOR MORE INFORMATION**

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